

Message

From: Tierney, James M (DEC) [james.tierney@dec.ny.gov]
Sent: 6/29/2018 8:15:57 PM
To: Batiuk, Rich [Batiuk.Richard@epa.gov]; Kosinski, Kenneth A (DEC) [kenneth.kosinski@dec.ny.gov]; Lauren Townley [lauren.townley@dec.ny.gov]; Davis, Cassandra M (DEC) [Cassandra.Davis@dec.ny.gov]; Tang, Koon S (DEC) [koon.tang@dec.ny.gov]
CC: Izraeli, Ruth L. [Izraeli.Ruth@epa.gov]; Gratz, Jeff [Gratz.Jeff@epa.gov]; Laureano, Javier [laureano.javier@epa.gov]; Power, Lucinda [power.lucinda@epa.gov]; Sweeney, Jeff [sweeney.jeff@epa.gov]; Gary Shenk [gshenk@chesapeakebay.net]
Subject: RE: Explanation of New York's Draft Phase III WIP Planning Targets Briefing Paper
Attachments: Explanation of New York's Draft Phase III WIP Planning Targets_6.29.18.docx

Hi Rich,

Just catching up to this and want to thank you and Team EPA for all of your thoughtful diligence in assessing and answering the many questions thrown at you by the various jurisdictions. Looking forward to Monday's discussions.

One question I'd like to vet with you at the outset on Monday has to do with the 1985 No Action Base Year versus the 2010 No Action Base year. Your very helpful prior e-mail on this topic is pasted below; in December 2017 an additional 1.14 million pounds total nitrogen and 100,000 pounds of total phosphorus was justified based on these model runs (and essentially confirmed at the PSC meeting). Q. Was this calculation run again as between the NY Phase 5.3.2 run and the NY Phase 6 run?

One of the reasons I am asking is that the NY 1985 nitrogen baseline jumps from about 14 million pounds per year under Phase 5.3.2 to about 19 million pounds per year under Phase 6 (we'd need to get the exact numbers). What I am worried about is whether the recently revised model operates to dilute NY's nitrogen and phosphorus allocations under the formulation that ultimately resolved the TMDL allocation in 2012 (my very quick review did not seem to include any numbers on phosphorus related to this concern, but we are interested in that as well).

$$\frac{1.14 \text{ M}}{X} = \frac{14\text{M}}{19\text{M}}$$

$$X = 1.547\text{M}$$

Excuse my sixth grade math, but doesn't NY's equitable TMDL allocation go up proportionately – roughly 26% or so for nitrogen?

Regards, Jim

From: Batiuk, Rich [mailto:Batiuk.Richard@epa.gov]
Sent: Sunday, January 21, 2018 6:43 PM
To: Kosinski, Kenneth A (DEC) <kenneth.kosinski@dec.ny.gov>
Cc: Izraeli, Ruth L. <Izraeli.Ruth@epa.gov>; Lewis Linker <LLinker@chesapeakebay.net>; Power, Lucinda <power.lucinda@epa.gov>; McNally, Dianne <mcnally.dianne@epa.gov>
Subject: Confirmation of Additional N and P Pounds to New York Under the Phase 6 Ches Bay Watershed Model

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Ken-

As a follow up to the December 19-20 Chesapeake Bay Program Partnership's Principals' Staff Committee meeting, Chesapeake Bay Program Office staff re-ran the allocations methodology using the Phase 6 suite of models factoring in a 1985 No Action base year (versus the same approach using the 2010 Phase 5 suite of models) and generated very similar

additional nitrogen and phosphorus loads—1.14 million pounds total nitrogen and 100,000 pounds total phosphorus with the Phase 6 model suite—as provided to New York under the 2010 Chesapeake Bay TMDL—1 million pounds total nitrogen and 100,000 pounds total phosphorus with the Phase 5 model suite.

Let me and Lew Linker know if you have any questions about this scenario analysis.

Thanks, Rich

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From: Batiuk, Rich [mailto:Batiuk.Richard@epa.gov]
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To: Tierney, James M (DEC) <james.tierney@dec.ny.gov>; Kosinski, Kenneth A (DEC) <kenneth.kosinski@dec.ny.gov>; Townley, Lauren A (DEC) <Lauren.Townley@dec.ny.gov>
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Subject: Explanation of New York's Draft Phase III WIP Planning Targets Briefing Paper

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Jim/Ken/Lauren-

Thanks for making time on your respective schedules to talk with us on Monday afternoon and sharing your questions and concerns with us in advance. In preparation of our 2PM conference call, attached please find our "Explanation of New York's Draft Phase III WIP Planning Targets" briefing paper. I look forward to walking you all through the paper, answering any remaining questions, and discussing how we proceed from here.

Thanks, Rich

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